



Minutes Formal City Council Meeting April 22, 2010

Minutes of the Formal Council Meeting of April 22, 2010, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Shana Ellis
Councilmember P Ben Arredondo
Councilmember Mark W. Mitchell
Councilmember Joel Navarro
Councilmember Onnie Shekerjian
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order.

1. Vice-Mayor Ellis gave the invocation.
2. Mayor Hallman invited a member of the audience to lead the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Councilmember Woods requested that Items 3A1 and 3A2 be removed for review.

Motion by Councilmember Woods to approve Items 3A3 – 3A5 **COUNCIL MEETING MINUTES**.
Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Council Formal Meeting - March 25, 2010
2. Council Issue Review Session - March 25, 2010
3. Council Executive Session - March 22 & 25, 2010
4. Council Sports, Recreation, Arts and Cultural Development Committee - February 10 & 26, 2010
5. Council Transportation Commission - March 23, 2010

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Woods to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Board of Adjustment - December 16, 2009
2. Transit Fund Ad Hoc Committee - January 28, 2010

3. Historical Museum Advisory Board - February 4 & March 4, 2010
4. Transportation Commission - February 9, 2010
5. Development Review Commission - February 9 & 23, & March 23, 2010
6. Judicial Advisory Board - February 22, 2010
7. Hearing Officer - March 2 & 16, 2010
8. Municipal Arts Grants Subcommittee - March 2, 2010
9. Neighborhood Advisory Commission - March 3, 2010
10. Fire Public Safety Personnel Retirement Board - March 4, 2010
11. Housing Trust Fund Advisory Board - March 8, 2010
12. Public Art/Art in Private Development Municipal Arts Subcommittee - March 10 & April 6, 2010
13. Historic Preservation Commission - March 11, 2010
14. Special Events Task Force - March 18, 23 & April 6, 2010
15. 2010 Census Complete Count Committee - March 23, 2010
16. Neighborhood Affordable Housing Subcommittee - March 29, 2010
17. Human Relations Commission - March 9, 2010

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Kid Zone Mayor Awards

Mayor Hallman stated that he and his colleagues are interested in honoring outstanding children in this community and adults who help provide quality care and education for those children. The purpose of this presentation is to recognize those children and adults because of their outstanding participation in the Kid Zone Enrichment Programs.

Kid Zone is an award-winning elementary school-age enrichment program administered by the City of Tempe in cooperation with the Tempe Elementary and Kyrene School Districts. It offers an exciting, safe place for children in kindergarten through 8th grade to interact with their friends while they participate in enrichment activities and develop new interests after school.

Mayor Hallman also thanked the Kid Zone staff for attending this presentation.

Lori Walk, Assistant Director of Community Education and Outreach Services for the Kyrene Elementary School District and Andrea Colby, Early Childhood Education Coordinator from Tempe Elementary School District were asked to participate in this presentation.

Mayor Hallman stated that the dedicated school partners being honored are individuals who demonstrate cooperation, mutual respect and knowledge of the importance of quality after school enrichment. They understand that significant learning still takes place after the school bell rings. Their support exemplifies how cooperation between the City and each school district can work at the highest level to make exceptional programming available to children at each school. The following individuals were acknowledged:

- Spencer Fallgatter, principal, Kyrene del Norte School
- Gail Hales, coordinator, Getz Elementary School
- Barbara Gorton, resource teacher, Rover Elementary School – accepting on Barbara's

behalf is Jen Wetzel, coordinator at the Rover Kid Zone site.

Students participants were then recognized because of:

- Their kind and respectful attitude to other children and staff,
- Their initiative and enthusiastic participation
- Their display of cooperation, good sportsmanship, responsibility and leadership.

2. 2010 Bike Hero Award

Mayor Hallman stated that the Transportation Commission has established an annual award to recognize those in the community who have made significant contributions to bicycling in Tempe. Chosen to receive the inaugural Tempe Bike Hero Award is The Bicycle Cellar, the City's first indoor, secure bicycle parking facility. John Romero, Joe Perez and Eric Angermeier were called forward to accept this award on behalf of the Bicycle Cellar.

The Transportation Commission decided The Bicycle Cellar should receive the award for the following reasons:

- Its commitment to promoting bicycling as a significant mode of transportation and supporting a community that is aware of the bicycle as a key ingredient to the city's long term sustainability.
- Its innovative business model allows members of the community to leave their cars at home, thus creating a long-term positive impact on the increased use of bicycling in Tempe.
- Its participation in City-sponsored events has helped promote the bicycle as a tool for creating a sustainable community.

Mayor Hallman then thanked City of Tempe Senior Transportation Planner, Eric Iwersen for his contributions to this endeavor.

3. Cesar Chavez Coloring Contest Winners

Mayor Hallman stated that in honor of Cesar Chavez Day, the Diversity Department coordinated a coloring contest in partnership with Meyer School. Using the theme, "Cesar Chavez had a calling.....what's yours?" they asked the children to draw a picture representing Cesar Chavez' life and work, and to also draw a picture representing their future public service calling.

The message to the children is two-fold, 1) to educate, honor and celebrate the life of Cesar Chavez; and 2) to encourage them to think about their calling and consider a future as a public servant. Informational packets were prepared to assist the Meyer School teachers in conducting their lesson plans. Each child won, not only the honor of being recognized, but also a \$25 Target gift card.

4. Telecommunications (Tempe Police 911 Center) Week

Mayor Hallman stated that he and his colleagues would like to honor a group of City employees who don't get much publicity but are absolutely essential to public safety in Tempe. They are the men and women who take calls in the 911 center. Whether the emergency is police, fire or medical, they are the calm voices on the other end of the line. These City employees were commended for their work.

5. Arbor Day 2010

For the 15th year in a row, 'Tree-Friendly' Tempe has received the Arbor Day Foundation's Tree City USA certification. Revitalizing the Trees for Tempe program two years ago enabled Tempe to meet the requirements for this prestigious award.

On Friday, April 30th, Tempe Parks & Recreation will host the inaugural Arbor Day 5K at Giuliano Park at Tempe Town Lake. There also will be a 1-mile fun run. All proceeds will go to the Trees for Tempe program to help revitalize Tempe's urban forest. For every two participants in the Arbor Day 5K, one tree will be planted in Tempe.

Mayor Hallman then thanked SRP for their generous support of this event.

B. Manager's Announcements

5. AGENDA

All items in these minutes identified with an asterisk (*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Woods to approve the Agenda (Items #5B4, 5B5, 5B7, 5B8, 5B9, 5D2, 5E2, 5E9, & 5E11) were removed for separate consideration). Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

1. Approved the Report of Claims Paid to be filed for audit for the month of March 2010.
- *2. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Feller's Place LLC, dba Final Round Cafe, 5030 South Mill Avenue, D20.

COMMENTS	Jesse Lee Feller is the Agent for this application.
DOCUMENT NAME	Final Round Cafe – LIQ LIC (0210-02)

- *3. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Spices & More Inc., dba India Plaza, 1876 East Apache Blvd.

COMMENTS	Raveen Arora is the Agent for this application.
DOCUMENT NAME	India Plaza – LIQ LIC (0210-02)

- *4. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Spices & More Inc., dba The Dhaba, 1874 East Apache Blvd.

COMMENTS Raveen Arora is the Agent for this application.
DOCUMENT NAME The Dhaba – LIQ LIC (0210-02)

- *5. Held a public hearing and recommended the approval of a Series 06 bar liquor license for Tempe Tavern LLC, dba Tempe Tavern, 1810 East Apache Blvd.

COMMENTS Robert John Tasso is the Agent for this application.
DOCUMENT NAME Tempe Tavern – LIQ LIC (0210-02)

6. Approved the appointment of and employment **Contract #2010-76** for Brigitta Kuiper as City Clerk.

COMMENTS N/A
DOCUMENT NAME 20100422cacc01 POSITIONS AUTHORIZED (0302-01)

7. Approved a Final Subdivision Plat for Circle G II located at 2133 East Ranch Road.

COMMENTS Request for CIRCLE G II (PL100011) (John and Sharon Cochran., owner and applicant) located at 2133 East Ranch Road in the R1-15, Single Family Residential District, including the following:

SBD10002 – Final Subdivision Plat of two (2) lots with in Circle G Ranch Subdivision.

The following condition of approval also applies:

The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe Development Services Department on or before April 22, 2011. Failure to record the plat on or before April 22, 2011, which is one (1) year from date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME 20100422dssl01 PLANNED DEVELOPMENT (0406)

8. Approved the annual software maintenance and support expenditure with Oracle USA for many of the City's Enterprise and Department level business application systems, including Financials, Human Resources, Training, Police Photo Catalog, Water Utility Billing, Tax and Licensing, Permits, Equipment Maintenance, Library System, Hansen Infrastructure Management and Engineering GIS.

COMMENTS (Sole Source T97-012-01) Total cost shall not exceed \$600,000.
DOCUMENT NAME 20100422fst09 PURCHASE (1004-01)

9. Approved a Condominium Plat for BOBBIES MCCLINTOCK PROFESSIONAL PLAZA located at 5801 South McClintock Drive.

COMMENTS

Request for BOBBIES MCCLINTOCK PROFESSIONAL PLAZA (PL100100) (Baseline McClintock, LLC property owner; G. Bryan Goetzenberger, Alliance Land Surveying, LLC applicant) for an existing commercial building located at 5801 South McClintock Drive in the R/O, Residential/Office District and the CSS, Commercial Shopping and Service District. This request includes the following:

SBD10008 – A Condominium Plat consisting of nine (9) units and one (1) tract on 1.57 acres.

The following condition also applies:

The Condominium Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before April 22, 2011. Failure to record the plat on or before April 22, 2011, which is one (1) year of City Council approval, shall make the plat null and void.

DOCUMENT NAME

20100422dsrl03 PLANNED DEVELOPMENT (0406)

10. The following Mayor and City Council board appointment selections were approved:

Building Code Adv Bd

Patrick Robinson

Terms Expire 4/30/13
Replace Mike Balwinski (1)
(Building Contractor)

Development Review Commission

Paul Kent

Term Expires 7/1/10
Replace Heather Swanson (U)

Kolby Granville

Term Expires 7/1/12
Replace Paul Kent (U)
(Alternate)

Historical Museum Advisory Board

Angela Lopez

Term Expires 12/31/10
Replace Dan Killoren (U)

Historic Preservation Commission

Ira Bennett

Term Expires 3/31/11
Replace Charles Lee (U)
(Alternate)

Charles Lee	Replace Donna Marshak (U) Move from Alternate
Andrea Gregory	Term Expires 3/31/12 Replace Dan Killoren (U)
Kriste Melcher	Terms Expire 3/31/13 Reappoint (1)
Human Relations Commission Belinda Chiu	Term Expires 12/31/10 Zach Berning (U)
Joint Review Commission Ray Jensen	Terms Expire 7/7/12 Reappoint (*)
Barry Bruns	Vacant (1) ASU Alternate Member
Trista Taylor	Vacant (1) Joint Tempe/ASU Alternate Member
Dave Brixen	Term Expires 7/7/13 Replace Scott Cole (1) ASU Regular Member
Doug McQueen	Reappoint (*) Tempe Regular Member
Merit System Board Penny Higginbottom	Term Expires 5/31/13 Replace Wayne Hochstrasser (1)
Neighborhood Advisory Commission Michael Pickett	Term Expires 12/31/11 Replace Eric Aldrete (U) - 85283

B. Award of Bids/Contracts

1. Awarded a design phase professional services **Contract #2010-77** with Wilson Engineers, LLC for water quality improvements at the South Tempe Water Treatment Plant. This is a bond-funded project on the approved CIP project list.

COMMENTS	Total cost for the construction management contract is \$216,188.
DOCUMENT NAME	20100415PWDR01 WATER TREATMENT PLANT - SOUTH

TEMPE (0811-08) PROJECT NO. 3203211

2. Awarded a professional services **Contract #2010-78** with HDR Engineering, Inc. to provide a feasibility study for grease recycling and conversion to biofuel.

COMMENTS Total cost for the professional services contract is \$145,813.17. Of this amount, the City will pay \$33,055 to match grant funds.

DOCUMENT NAME 20100422PWDR05 WASTEWATER STUDIES (0112-15)
PROJECT NO. 3203971

3. Awarded a design services **Contract #2010-79** with PB Americas, Inc., and a survey services **Contract #2010-80** with Sunrise Engineering, Inc., for pedestrian and bicycle improvements on Broadway Road between Rural Road and Mill Avenue. This project is on the approved CIP list.

COMMENTS Total cost for the design services contract with PB Americas, Inc. is \$478,785, and total cost for the survey services contract with Sunrise Engineering, Inc. is \$56,555. The project is funded with \$2,571,780 Congestion Mitigation and Air Quality program federal grant that needs to be obligated by October 2010.

DOCUMENT NAME 20100422PWDR04 STREETSCAPE THEME (0809-07)
PROJECT NO. 6003051

4. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Awarded a one-year **Contract #2010-81** with four, one-year renewal options with Avesis Third Party Administrators, Inc. for a vision plan for eligible City employees and their families.

COMMENTS (RFP10-111) Total cost of this contract will not exceed \$261,000 during the initial one-year contract period beginning July 1, 2010.

DOCUMENT NAME 20100408afsta01 PURCHASES (1004-01)

Councilmember Shekerjian stated that since this agenda item represents potentially more than \$1 million, she asked staff to explain where the source of these funds come from and what this money will be used for.

Renie Broderick stated that this contract is for the employee vision health care benefit. It is funded through the premiums that are paid for by the City of Tempe, as the employer, and the share that the employees pays from their health trust fund.

Councilmember Shekerjian made a motion to approve agenda item 5B4; second by Councilmember Navarro. Motion passed

unanimously.

5. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Award a one-year contract with four, one year renewal options to JW Builders, Inc. for housing rehabilitation services for use by the Housing Services Division of the Community Development Department.

COMMENTS (RFP #10-048) The total combined amount of the eighteen contracts is \$450,000 or less during the initial one-year contract period.

DOCUMENT NAME 20100422fslg02 PURCHASES (1004-01)

Councilmember Shekerjian removed this item for separate consideration.

Chris Salomone explained that this program is funded fully out of community development block grant funds for low income rehabilitation services in eligible census tracts.

Mayor Hallman stated that there are up to 18 different contracts that are going to be splitting up these funds. These are contractors that bid on a list consisting of different types of rehabilitation projects pertaining to homes that fit the criteria for this program.

Councilmember Shekerjian made a motion to approve agenda item 5B5; second by Councilmember Navarro. Motion passed unanimously.

6. Approved a one-year renewal of a contract with Keller Electrical Industries, Inc. for the maintenance, repair and purchase of electric motors used in the treatment and delivery of water and wastewater for the Water Utilities Department.

COMMENTS (T08-061-01) Total contract amount shall not exceed \$150,000 for the one year renewal term.

DOCUMENT NAME 20100422fst04 PURCHASES (1004-001)

7. Approved the utilization of a one-year State of Arizona contracts with Corporate Job Bank, Randstad NA, Staffmark Investment, LLC, Kelly Services, Sperion and AppleOne Employment Services for temporary staffing services utilized throughout the City.

COMMENTS (EPS070043) The total value of these contracts will not exceed \$400,000 during the one-year contract period.

DOCUMENT NAME 20100422fst07 PURCHASES (1004-01)

8. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Awarded a construction **Contract #2010-82** with Cal Wadsworth Construction Southwest, Inc., award of a construction management **Contract #2010-83** with C. Williams Construction Engineering, Inc., and approval of a project contingency for a new bridge over the Western Canal on Baseline Road.

COMMENTS

Total cost for the construction contract is \$1,531,839.48, total cost for the construction management contract is \$142,980, and the amount of the project contingency is \$225,000. This project is funded by the American Reinvestment & Recovery Act (ARRA).

DOCUMENT NAME

20100422PWDR06 BRIDGES (0801) PROJECT NO. 5402991

Councilmember Shekerjian removed this item for separate consideration because this contract is over \$1 million and asked staff to explain what the money will be used for as well as the source of funding.

John Osgood stated that this project is to repair the bridge on Baseline Road that goes over the Salt River Project Canal, commonly known as the Baseline/Kyrene Bridge. The source of funding is federal stimulus funds at no cost to the City.

Councilmember Shekerjian asked Mr. Osgood for clarification on whether or not these funds are in competition for employee salaries in light of the fact that lay offs are looming. Mr. Osgood stated that the funding for this project is not in competition for employee salaries, in fact stimulus funds are used for job creation and infrastructure purposes.

Councilmember Shekerjian made a motion to approve agenda item 5B8; second by Councilmember Woods. Motion passed unanimously.

9. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Charlie Meyer was asked to discuss this one-year contract with two, one-year renewal options to Wellness Council of Arizona for a wellness program for eligible City employees with the six-sided partnership to determine whether or not they would like their employee benefit spent on this program.

COMMENTS

(RFP10-090) Total cost of this contract will not exceed \$86,000 during the initial one-year contract period beginning July 1, 2010.

DOCUMENT NAME

20100422fst08 PURCHASES (1004-01)

This item was removed at the request of Councilmember

Arredondo because funding for this program only serves a small segment of the employee population versus spending these dollars on the entire employee population benefits package. Currently the City has 4-5 fitness areas, some in the Police Department and some are in the Fire Department. In fact there are treadmills worth over \$1,000 collecting dust because they've never been used. A-Mountain is right across the street that could be used for climbing and walking.

In the employee package of benefits, employees can call a nurse 24 hours a day for medical and wellness questions. The wellness coordinator typically comes to City Hall and the same people participate in the program. Councilmember Arredondo asked the City Manager to utilize these funds for the entire employee population instead of just those that choose to utilize this program.

Mayor Hallman asked staff to elaborate on this program.

Renie Broderick stated that this \$86,000 represents approximately 1/3 of a percent of the \$24 million that the City will spend on medical insurance this year. Many employees are committed to the Wellness Program. The industry standards indicate that the return on the dollar is to keep people healthy so that they stave off chronic illnesses that end up costing a lot of health care dollars.

Recently there was an osteoporosis screening for female employees in which 183 employees chose to participate. Of those participants, 12 employees were told that they had osteoporosis that did not know they had this condition. The Wellness Program is also providing skin cancer and biometric screening.

Councilmember Arredondo stated that the wellness benefits that Ms. Broderick mentioned are all covered by existing health care coverage. Because there is such a small segment of the employee population that benefits from this program, it would be more appropriate to spend the wellness funds across the board so that all employees can benefit.

Mayor Hallman asked where the skin cancer screenings take place. Ms. Broderick stated that these screenings are scheduled for May and early June, but the locations of the screenings was unknown. On May 6, there will be an employee benefits fair at the New History Museum.

Mayor Hallman commented that every dollar being spent is being looked at and proposed that this agenda item be referred to the City Manager to discuss with the six-sided partnership to find out if they think this is a good use of their money. This is one of their employee benefits.

Councilmember Mitchell asked if having a wellness program provides any medical discounts. Ms. Broderick stated yes, Cigna is committed to the wellness concept, however she was unable to provide a quantifiable number.

Councilmember Arredondo agreed that turning this issue back to the City Manager to discuss with the six-sided partnership is the right way to go. Money is tight.

The Council directed the City Manager to bring this agenda item to the six-sided partnership for their input on whether or not this is the best use of their employee benefit funds.

10. Authorized the establishment of two-year contracts with two, two-year renewal options with Green & Baker; Asimou & Roddy; Kelhoffer, Manoline & Firestone; Roger Spencer; Littler; Ayers & Brown; Mariscal, Weeks, McIntyre & Friedlander; Calderon Law Offices; lafrate & Associates; Kutak Rock; and Moyes Sellers & Sims to establish an “on call” list of approved legal service providers for use by the City Attorneys Office - **Contract #2010-85**.

COMMENTS Total combined amount of these contracts shall not exceed \$200,000 during the initial two-year contract term.
DOCUMENT NAME 20100422fst10 PURCHASES (1004-01)

11. Approved the utilization a City of Phoenix cooperative contract with Arizona Tactical Inc. for the purchase of tactical ballistic vests to be used by the Police Department and paid for using federal grant funds.

COMMENTS (City of Phoenix Contract 07-209) Total amount of this contract shall not exceed \$130,815.00 for this single purchase.
DOCUMENT NAME 20100422fsmg05 PURCHASES (1004-01)

12. Approved an amendment to the Prudential Insurance Company of America **Contract #2009-215** that waives the 90 day waiting period for movement of funds from the Guaranteed Interest Investment (GIC) account to the Self Directed Brokerage Account (SDBA) as part of the City’s deferred compensation program available to all eligible employees and retirees.

COMMENTS (Contract 09-112) City funds will not be used for this contract as

all plan expenses are paid by participants through the investments selected.

DOCUMENT NAME 20100422fsmg06 PURCHASES (1004-01)

13. Approved the ratification of an award of **Contract #2010-99** to Eskel Porter Consulting, Inc. for an upgrade of the Hansen asset and work management software applications from version 7.7 to version 8.2 and an upgrade of the ORACLE 9i database to a Sql*Server 2008 database. Hansen is used by Water Utilities, Information Technology, Public Works, Police, Fire, Parks and Recreation and Community Services.

COMMENTS (RFP #10-098) Total amount of the contract shall not exceed \$98,300.

DOCUMENT NAME 20100422fst03 PURCHASES (1004-01)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *1. Introduced and held the first public hearing to adopt an ordinance to affect the Annexation of Miller Road Right-of-Way Improvement Property located between Curry Road and Gilbert Drive in accordance with Intergovernmental Agreement C-64-03-123-2. The second hearing was scheduled for May 6, 2010.

COMMENTS The City of Tempe desires to complete the annexation of the Miller Road Right-of Way Improvement property in accordance with Intergovernmental Agreement C-64-03-123-2, between the City of Tempe and Maricopa County.

DOCUMENT NAME 20100408PWWS04 ANNEXATION (0402-01) Ordinance 2010.06

- *2. Introduced and held the first public hearing to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes. The second public hearing was set for May 6, 2010.

COMMENTS These proposed changes apply the modifications adopted by the Municipal Tax Code Commission to Tempe's Tax Code.

DOCUMENT NAME TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) Ordinance No. 2010.09

- *3. Introduced and held the first public hearing to amend Chapter 16, Tempe City Code relating to License, Privilege and Excise Taxes by amending Section 16-447 relating to Additional tax upon transient lodging. The second public hearing was set for May 6, 2010.

COMMENTS N/A

DOCUMENT NAME 20100422casv01 TCC CH 16 – LICENSES, TAXATION & MISC

BUS REGS, ETC. (0503-16) Ordinance No. 2010.10

D. Ordinances and Items for Second Hearing/Final Adoption

- *1. Held the second and final public hearing and adopted ORDINANCE NO. 2010.07 authorizing the City Manager or his designee to negotiate and enter a lease for approximately 5300 square feet of space within the Tempe Transportation Center, **Contract #2010-86** with Dixon Golf.

COMMENTS N/A
DOCUMENT NAME 20100422mmcd01 REAL PROPERTY LEASES (0903)
Ordinance No. 2010.07

- *2. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Held the second and final public hearing and adopted ORDINANCE NO. 2010.05 amending the Sign Ordinance.

COMMENTS Request for changes to the SIGN ORDINANCE (PL100056) (Development Services, applicant) consisting of Zoning and Development Code amendments for way-finding signs, an extension of temporary sign allowances and to allow temporary banners to lease vacant space. The request includes the following:

ZOA10001 (ORDINANCE NO. 2010.05) – Code Text Amendment for Sections 4-901; 4-902; 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Significant Event Sign; 4-905, Way-Finding Sign; and a new Section 4-906, Leasing Banner Sign.

DOCUMENT NAME 20100422dsrl01 PLANNED DEVELOPMENT (0406)
ORDINANCE NO. 2010.05

Bob Stafford thanked the Mayor and Council for their time and effort. Mr. Stafford stated that during the construction of light rail, the Council allowed sandwich board signs along Apache Boulevard. Because businesses are struggling, Mr. Stafford requested that businesses be allowed to put out A-frame signs outside their businesses during business hours and require that they be removed when the businesses close at the end of the day, for a period of one year. This would send an important message to the business community.

Mayor Hallman asked Chris Anaradian to explain the components of the sign ordinance amendments. Mr. Anaradian

explained that there are three components to the amended sign ordinance.

- 1) *Way finding signs* – also known as A-frame signs. Staff has tried to structure the ordinance so that those signs do not migrate into the arterial rights of way. These signs are allowed in shopping centers so that they are visible to pedestrians and people that are frequenting those centers.
- 2) *Extension of the existing program*
- 3) *Banner for vacant spaces*

Mayor Hallman acknowledged Mr. Stafford's concern and stated that staff and the Council will continue to examine these issues. Avoiding visual blight and potential liability are areas that are of concern.

Mr. Stafford stated that the sign ordinance that was passed last July allowed for real estate companies on Apache Boulevard to place A-frame signs, balloons, etc. outside their place of business. Businesses are struggling and need more latitude for signage.

Mayor Hallman stated that it has taken a lot of effort on the part of staff and Council to get the ordinance to this point and that he was unwilling to take a step back from the progress that has been made on this issue.

Councilmember Woods asked Mr. Anaradian if Council passes the ordinance this evening, could staff begin looking at other alternatives for Council consideration. Mr. Anaradian responded yes, staff could bring some other options back to Council for discussion.

Mayor Hallman stated that transit oriented design signage might be classified as a 'district' where creative signage could be considered.

Councilmember Shekerjian stated that she and Councilmember Woods have studied this issue in their Council committee. Business representatives within the community participated in this process and expressed a desire to be allowed to place way finding signs outside of their businesses. Working with business representatives in strip centers, staff was able to reach

a conclusion that this signage could be allowed on sidewalks in order to attract customers and is relatively easy to enforce.

Councilmember Shekerjian stated that she often hears from struggling business owners during this economic downturn. Although this ordinance may not seem like much of a shift in signage policy, it is a very large change in previous Council policy. It is important to make sure that the proposed changes to the sign ordinance work, however this does not preclude Council from looking at other signage options. Council is sensitive to the struggles of the 'mom and pop' small businesses that make Tempe unique.

Councilmember Mitchell made a motion to approve agenda item 5D2; Councilmember Arredondo seconded the motion. Motion passed unanimously.

E. Resolutions

- *1. Held a public hearing required by federal law and adopted RESOLUTION NO. 2010.32 amending the City's Community Development Block Grant (CDBG) Consolidated FY 2008-2009 Action Plan Substantial Amendment.

COMMENTS

Pursuant to HUD regulations and the City of Tempe's Citizen Participation Plan, this amendment reflects the finalized budget and program design for the Homeless Rapid Re-Housing Program delineated in the previously approved Memorandum of Understanding between the Valley of the Sun United Way, the Arizona Department of Health Services and the City of Tempe.

DOCUMENT NAME

20100108cdch01 COMMUNITY DEVELOPMENT BLOCK GRANT (0207-30) RESOLUTION NO. 2010.32

2. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2010.30 amending the fee policy for athletic field lighting and establishes field rental fees for organizations who are composed of less than seventy percent of Tempe residents.

COMMENTS

Estimated revenue is approximately \$200,000 annually.

DOCUMENT NAME

20100408prtd01 RECREATION ADM-POLICIES (0707-01) Resolution No. 2010.30

Councilmember Arredondo removed this item for separate consideration and congratulated the Parks and Recreation staff on their hard work in revising this fee schedule. These fee

revisions will bring in an additional \$200,000 annually. Staff is making Tempe citizens a priority in allowing them to have facility useage rights over non-residents.

Councilmember Navarro made a motion to approve agenda item 5E2; second by Councilmember Arredondo. Motion passed unanimously.

3. Approval RESOLUTION NO. 2010.31 amending City Code Appendix A - Schedule of Fees and Charges, as it pertains to certain Zoning and Development Fees.

COMMENTS THIS ITEM IS RELATED TO CHANGES FOR ORDINANCE NO. 2010.05, SIGN ORDINANCE (PL100056)
DOCUMENT NAME 20100422dsrl02 MISCELLANEOUS FEES (0210-05)
Resolution No. 2010.31

4. Approved RESOLUTION NO. 2010.35 authorizing the Mayor to sign the Municipal Effluent Purchase and Sale Agreement among the SROG Cities and Arizona Public Service Company and the Salt River Project, **Contract #2010-87**.

COMMENTS The five cities in the SubRegional Operating Group have negotiated a new agreement with APS and SRP to provide reclaimed water from the 91st Avenue Wastewater Treatment Plant to the Palo Verde Nuclear Generating Station through 2050.
DOCUMENT NAME 20100422WUDCB01 WASTEWATER MANAGEMENT
ADMINISTRATION(0812-01) Resolution No. 2010.35

5. Approved RESOLUTION NO. 2010.33 amending City Code Appendix A - Fee Schedule modifying the Buildings and Building Regulation Fees relating to the development process.

COMMENTS N/A
DOCUMENT NAME 20100422dsnw01 MISCELLANEOUS FEES (0210-05)
Resolution No. 2010.33

6. Approved RESOLUTION NO. 2010.36 authorizing the Mayor to enter into an Intergovernmental Agreement for participation in the East Valley Domestic Violence Fatality Review Team, **Contract #2010-88**.

COMMENTS The purpose of this IGA is to create and operate an East Valley Domestic Violence Fatality Review Team pursuant to A.R.S. 41-198.
DOCUMENT NAME 20100422pdsam01 POLICE DEPT ADMIN (6060200)
Resolution No. 2010.36

*7.

THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.

Held a Truth in Taxation public hearing and adopted RESOLUTION NO. 2010.28 by roll call vote as required under the state Truth in Taxation statute, indicating the City's intention to adopt a primary property tax levy that, excluding amounts related to new construction, will be greater than last year's primary levy.

COMMENTS

N/A

DOCUMENT NAME

20100422fscr01 MISCELLANEOUS TAXES (0210-06)
Resolution No. 2010.38

Mayor Hallman stated that the reason the City of Tempe's primary levy is going up is not because taxes are being increased. It is because valuations are falling, which makes property taxes go down as well. The proportion of the total property taxes being paid by Tempe residents that will go toward primary property tax is a much higher percentage now. Although bills on valuation will also come down, the Truth in Taxation law mandates that the City declare it will be increasing the primary tax levy.

Councilmember Woods made a motion to approve agenda item 5E7; second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

8. Approved RESOLUTION NO. 2010.37 ordering the sale of not to exceed \$45,165,000 principal amount of City of Tempe General Obligation Bonds, Series 2010A, and approving related documents.

COMMENTS

The issuance of the not to exceed \$45,165,000 in general obligation bonds is in accordance with the capital improvement program budget as adopted by the City Council. The bonds provide financing for a variety of projects including continuing expansion and/or improvement of the 91st Ave Wastewater Treatment Plant, South Tempe Water Treatment Plant and the Johnny G. Martinez Water Treatment Plant, and other improvements. Financing is also provided for the interoperable radio system; police/courts building renovation; library renovation; street and various park improvements.

DOCUMENT NAME

20100422fsjh01 Bond Service Administration (0203-01)
Resolution No. 2010.37

9.

THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.

Approved RESOLUTION NO. 2010.34 authorizing the City of Tempe to acquire, including by eminent domain, property necessary for the construction of sidewalk, landscape and utilities along a portion of 1986 E. University Drive.

COMMENTS

Funds are available for the acquisition of this property through CIP Project #6001929.

DOCUMENT NAME

20100422PWWS07 Real Property Acquisition (0902-21-02) Resolution No. 2010.34

Councilmember Woods removed this item for separate consideration and asked staff for an explanation of what this project is for.

Andrew Ching stated that the acquisition of the property along University Drive has gone smoothly for the most part. During the course of the title search, it was discovered that there are gaps in the chain of title for ownership. Because of this, in order to acquire this property so that a sidewalk can be built, it will be necessary to give notice to all of the potential owners of this property. This resolution gives staff the authority to properly notify all potential owners of this parcel. It is anticipated that the adjacent land owners will likely be the owners of this parcel, however due process must take place.

This is a public purpose acquisition of a sidewalk, which is the reason why eminent domain of powers is used by cities and towns.

Councilmember Woods made a motion to approve agenda item 5E9; second by Councilmember Navarro. Motion passed unanimously.

10. Approved RESOLUTION NO. 2010.43 authorizing the Mayor to execute a development agreement with American Outdoor pursuant to 4-902.J of the Tempe Zoning Code allowing the installation of a freeway sign on the property known as parcel # 132-36-009D on the Northwest corner of Rio Salado Parkway and Price Road, **Contract #2010-89**.

COMMENTS

The City desires to enter a development agreement with American Outdoor to install a single monopole structure with not more than two (2) faces, each having an overall face size of 14' x 48' and a height not more than 85'(or 55' above grade at the entrance ramp to the Loop 101 Freeway) . The sign structure may remain for a period not to exceed 15 years, and is subject to design approval in accordance with the process established in the agreement, which requires that the sign have a decorative pole cover and landscaping at the base.

The sign may not be installed unless and until the City executes

an amendment to the Marketplace Implementation Agreement (2004-86) with Miravista/Vestar TM-LANDOCO, L.L.C. in which Vestar agrees to relinquish its right to an off-premises monument sign (APN #132-36-008K or APN#132-36-001A) at Tempe Marketplace.

The developer will pay the City \$36,000 per year during the term of the agreement.

DOCUMENT NAME 20100422cdssw01 COMMUNITY
DEVELOPMENT/REDEVELOPMENT PROJECTS (0403)
Resolution No. 2010.43

11. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

No action was taken on RESOLUTION NO. 2010.39, to authorize the City Manager to implement a furlough leave program for all City employees for the 2010/2011 fiscal year.

COMMENTS This resolution authorizes the City Manager to develop guidelines and to implement a furlough leave program for fiscal year 2010/2011 for all City employees.

DOCUMENT NAME 20100422hrjoc01 PERSONNEL POLICIES (3010300)
Resolution No. 2010.39

Mayor Hallman removed this for separate consideration.

Mayor Hallman stated that on March 4, the City Council adopted a 5% cut to employee salaries/benefits. This amounts to a \$5 million amount necessary to fund positions in the budget green zone. That effort leaves the Council with only one choice under the current union contracts. Because of existing contract stipulations, the Council is unable to unilaterally reduce wages, however furloughs can be used to fund those cost savings.

Employee groups have been and are encouraged to submit budget saving proposals. There is on-going dialogue due to employee groups coming forward, therefore this agenda item has been set aside for future consideration.

12. Approval RESOLUTION NO. 2010.42 authorizing the Mayor to execute a Land and Improvements Lease between the City and Tempe Transit, LLC, an Arizona limited liability company, **Contract #2010-90**, or their successor in interest, and a Memorandum of Lease, **Contract #2010-90A**.

COMMENTS Tempe Transit, LLC has completed construction of the improvements described in the Development Agreement for Transit Parcel (C2007-37), and is ready to convey the property to the City and lease-back the property as permitted under the

DOCUMENT NAME DDA.
20090611cdnr02RIO SALADO MASTER PLAN Resolution No.
2010.42

6. PUBLIC APPEARANCES

A. Scheduled

1. Bob Stafford - Sign Ordinance
Mr. Stafford spoke on this agenda item earlier in the meeting.

B. Unscheduled

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Mitchell

- Congratulated staff for their efforts in engaging over 3,700 volunteers in helping the City during these trying economic times. Volunteers donated 134,000 hours of their time last year which equates to nearly 65 full time positions – a savings of \$2.8 million. That is significant. Maryanne Bastin was commended for her contributions.

Councilmember Arredondo

- Commended Don Hawks for his customer service skills
- Last Saturday there was an Hispanic Music Festival at Tempe Beach Park that was successful.
- Commended the leadership of the Parks and Recreation Department

Councilmember Shekerjian

- On Friday, April 23, an event called Music Under the Stars will be held in the Arts Park that will feature the Drum Core, Tempe Windy Symphony and several high school bands. This program is paid for by the Salt River Pima Maricopa Indian Community and is a family event.
- Item 5E4 is a resolution that authorizes the Mayor to sign an agreement with the five cities in the subregional operating group. This is an agreement with APS and SRP to provide reclaimed water from the 91st Avenue wastewater treatment plant to the Palo Verde Generating Station through 2050. This is an example of sustainability. It is a way of recycling water and generating revenue from reclaimed water sales, which will help to offset some of the wastewater operating and maintenance expenses. Councilmember Shekerjian congratulated the water department personnel for their hard work on this project.
- Item 5B2 is an award of a professional services contract for a feasibility study for grease recycling and conversion to bio-fuel. This is a grant funded study and a majority of the costs will be reimbursed to the City from the US Department of Energy. Tempe is providing approximately \$33,000 and the rest will be paid for with matching federal funds. The purpose of this study is to consider the collection of waste vegetable oil and trap grease from restaurants and convert it to bio diesel fuel, which will then be used to help supplement power for the south Tempe water treatment plan or the City's fueling station. This is an earth friendly project and makes economic sense. Staff was commended for their hard work on sustainable projects.

Councilmember Navarro

- 51 people participated in the Bike to Work Day that ended at the Bike Cellar, which is located at the Tempe Transit Center.
- Several residents have contacted Councilmember Navarro praising the canal system pathways. These pathways provide a smart means of transportation and a good place to recreate. It connects people to parks and schools.
- It would be helpful if staff could educate citizens on the usage of the “Hawk” crosswalk signals adjacent to the canals.

Councilmember Woods

- Congratulated Ramona Dixon who won the state competition for the Boys and Girls Club Youth of the Year. This is the second year in a row that a Tempe youth won this award. Ms. Dixon is an amazing young woman. There are a lot of future leaders that participate in this program.
- Councilmember Woods gave Police Chief Tom Ryff kudos for the quality of the Police force, which was conveyed to him at a Mitchell Park West Neighborhood Association Meeting. Residents voiced their satisfaction with the cooperation from the patrol officers as well as the Chief.
- Casino Capers was sponsored by the Tempe Diablos, which was a fantastic event. This event is geared towards raising scholarships and was very successful.

Vice-Mayor Ellis

- Thanked the Transit staff for the coordination of the Bike to Work Day event; food was donated at each of the sites
- Tempe Leadership recently celebrated their 25th anniversary

Mayor Hallman

- Thanked Charles Cobbs and Police Chief Tom Ryff for attracting the National Organization for Black Law Enforcement Executives Conference to Tempe
- On Saturday, the Shriners will be having a parade on Mill Avenue beginning at 9 am.
- Invited everyone to attend the Music Under the Stars event on Friday at 7:30 pm.
- The Tempe Diablos also support educators within the community. On Monday, there is the Excellence in Education Awards event. Their volunteer efforts pay huge dividends to the community.
- Directed staff to agendize a reconsideration of the traffic calming project that was recently approved by Council on March 25 Council meeting.

Meeting adjourned at 10:00 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of April 22, 2010, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2010.